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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,326	09/25/2001	Arie Cornelis Besemer	019219-013	9428

21839 7590 06/14/2006

BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT PAPER NUMBER

3761

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 20 March 2006 have been fully considered but they are not persuasive.

In response to the applicant's argument that a polylactide is not a subdivision of the genus lactides, it is noted that polylactides are derived from the polymerization of lactides. Since the instant claim does not disclose the form the lactides must be in, the polylactide disclosed by Ahmed fulfills the claimed limitations.

In response to the applicant's argument that Ahmed does not disclose the polylactide being present in an amount of about 14%, it is noted that Ahmed discloses the thermoplastic component being present in the amount of 10% in column 6, lines 1-5.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmed et al. (6,534,572).

Ahmed discloses a superabsorbent material, as described in column 3, lines 30-40, with odor control properties, as described in column 10, lines 11-13, containing a

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lactide, as described in column 7, lines 55-56. The lactide is present in an amount of 10% with respect to the total weight, as disclosed in column 6, lines 1-5. The superabsorbent material is present in an amount of 70% with respect to the total weight, as disclosed in column 11, lines 25-27. The lactide is therefore present in an amount of about 14% with respect to the weight of the superabsorbent material. The lactide is homogenously mixed within the superabsorbent material, as disclosed in column 14, lines 1-16. The superabsorbent material containing the lactide is comprised in a diaper, as disclosed in column 1, lines 15-18.

***Allowable Subject Matter***

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the claimed invention. Specifically, the closest prior art of record, U.S. Patent 6,534,572 to Ahmed, fails to disclose a superabsorbent material comprising a non-acidic, cyclic lactide in combination with the superabsorbent material. The superabsorbent composition of Ahmed comprises a polylactide, and during the polymerization process the ring of the lactide monomers is opened to form the polylactide. Therefore, Ahmed does not teach nor fairly suggest the claimed invention.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CWA*  
cla  
June 9, 2006

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'T. Zalukaeva', with a long horizontal flourish extending to the right.